

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DREW HERIOT and  
DREW PICTURES PTY LTD.,

Plaintiffs,

vs.

RHONDA BYRNE, THE SECRET LLC  
(AKA TS HOLDINGS LLC), PRIME TIME  
US INC., TS PRODUCTION HOLDINGS  
LLC, TS PRODUCTION LLC,  
TS MERCHANDISING LTD., and  
ROBERT E. RAINONE, JR.,

Defendants.

Civil Case No. 08CV2272

The Honorable Suzanne B. Conlon

**DECLARATION OF DONALD J. ZYCK IN SUPPORT OF  
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STAY PROCEEDINGS**

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Attorneys for Defendants  
RHONDA BYRNE, TS RER LLC  
(erroneously named as "THE SECRET LLC"  
and "TS HOLDINGS LLC"), PRIME TIME  
US INC., TS PRODUCTION HOLDINGS  
LLC, TS PRODUCTION LLC,  
TS MERCHANDISING LTD., and  
ROBERT E. RAINONE, JR.

I, Donald J. Zyck, declare as follows:

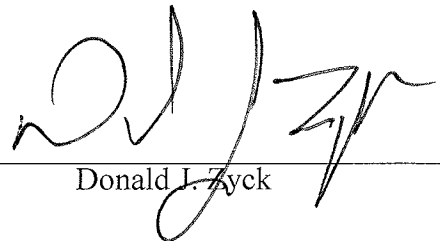
1. I am the Chief Financial Officer of defendant TS Merchandising Ltd. The matters set forth below are within my personal knowledge, and if called upon as a witness, I could and would testify competently thereto.

2. I have been authorized to agree, and do agree, that TS Merchandising Ltd. will submit to personal jurisdiction in the courts of Australia in connection with the claims alleged in the Complaint in this action or any other claims based on alleged ownership by Drew Pictures Pty Ltd. in *The Secret* or any part thereof.

3. TS Merchandising Ltd. has authorized Leon Zwier of the law firm Arnold, Bloch & Liebler to accept service of process in any action initiated against TS Merchandising Ltd. based on alleged ownership or co-ownership by Drew Pictures Pty Ltd. in *The Secret* or any part thereof.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 4, 2008 in Chicago, Illinois.



Donald J. Zyck

**CERTIFICATE OF SERVICE**

Under penalties as provided by law, the undersigned, an attorney, hereby certifies and states that he caused a true and accurate copies of the following accompanying documents:

- *Defendants' Notice of Motion;*
- *Defendants' Motion to Dismiss or, in the Alternative, to Stay Proceedings;*
- *Defendants' Memorandum of Points and Authorities in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings;*
- *Declaration of Rhonda Byrne in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings;*
- *Declaration of Paul Harrington in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings;*
- *Declaration of Joseph A. Meckes in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings;*
- *Declaration of Robert E. Rainone, Jr. in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings; and*
- *Declaration of Donald J. Zyck in Support of Motion to Dismiss or, in the Alternative, to Stay Proceedings*

to be served upon the counsel listed below via the United States District Court for the Northern District of Illinois, Eastern Division's CM/ECF electronic filing system and by electronic mail on this 4th day of June, 2008.

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By /s/ David S. Elkins